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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments  
FM Broadcast Stations  
(Bayfield, Colorado and  
Teec Nos Pos, Arizona)

)  
)  
) MM Docket No. 99-103  
) RM-9506  
)  
)  
)

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

COMMENTS OF VOICE MINISTRIES OF FARMINGTON, INC.

Voice Ministries of Farmington, Inc. (hereafter "Voice"), by its undersigned counsel, hereby respectfully submits these comments and a counter-proposal to the amendment to the FM Table of Allotments specified in the *NOTICE OF PROPOSED RULE MAKING*, DA 99-629, released on April 2, 1999, in the above-captioned proceeding.

1. Voice desires to have a first, local aural service assigned to the community of Teec Nos Pos, Arizona. This community is included in the United States Department of Commerce list of census designated places and is the home of a significant number of Native Americans. Teec Nos Pos, Arizona is the headquarters for the Red Mesa Unified School District #27 and Red Mesa High School, Red Mesa Junior High School and Red Mesa Elementary School. Teec Nos Pos, Arizona contains the type and number of local businesses that would normally

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be associated with a community of its size in Arizona, but does not presently have a local aural broadcast service assignment.

2. Voice desires to have FM channel 237C-1 assigned for use at Teec Nos Pos, Arizona. Such an assignment will allow the licensee of the station operated thereon to provide service to an area of 14, 448.6 square kilometers, and serve a population of approximately 40, 827 persons. The assignment of FM channel 237C-1 conflicts with the proposed assignment of FM channel 237A at Bayfield, Colorado.

3. Accordingly, Voice has undertaken an engineering analysis to find an alternative Class A FM channel for Bayfield. It has determined that FM channel 223A can be assigned to Bayfield, Colorado with a slight site restriction that will allow for full coverage of that community with the requisite city grade contour. See the attached technical exhibit.

4. The Commission does not give petitioners for FM channel assignments a preference for one channel over another in connection with a counterproposal so long as an alternatively proposed channel will allow for the same class of FM service. In the case at hand, Voice has demonstrated the availability of an alternative Class A FM channel, 223A, for Bayfield. By substituting this channel for the FM channel 237A assignment proposed in the *Notice*, FM channel 237C-1 can also be assigned to Teec Nos Pos, Arizona. The Voice counter-proposal will allow for a class A FM channel to be assigned to Bayfield as its second, local FM service, while also allowing for the assignment of a first local FM channel to Teec Nos Pos, Arizona, and allow for a more efficient use of, and greater service on, FM channel 237 as a Class C-1 allotment.

5. In the event that FM channel 237C-1 is assigned to Teec Nos Pos, Arizona, Voice will file an application to utilize that channel during the designated window period. In the event the Voice application is approved, it will build and place a new FM station on that channel into operation in accordance with the construction permit issued by the Commission.

WHEREFORE, based on the foregoing Voice Ministries of Farmington, Inc. respectfully requests that the FM Table of Allotments be modified as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Bayfield, Colorado	296C <sup>1</sup>	296C, 223A
Teec Nos Pos, Arizona	-----	237C-1

Respectfully submitted,

Voice Ministries of Farmington, Inc.

By: 

Jeffrey D. Southmayd

Its Attorney

Southmayd & Miller  
1220 19<sup>th</sup> Street, N.W.  
Suite 400  
Washington, D.C. 20036  
(202) 331-4100

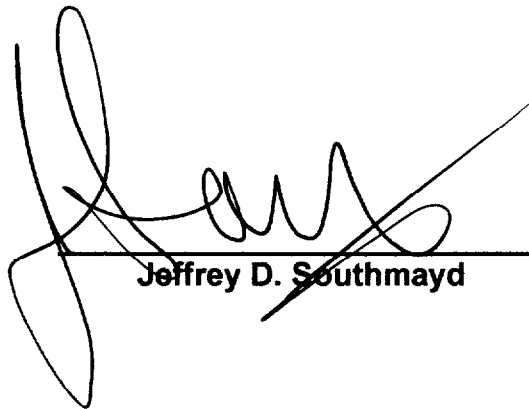
Date: May 24, 1999

<sup>1</sup> Proposed in MM Docket 99-76. No comments other than the Petitioner's comments in support of the proposal were filed in the proceeding.

**CERTIFICATE OF SERVICE**

I, Jeffrey D. Southmayd, do hereby certify that I have caused copies of the foregoing "COMMENTS OF VOICE MINISTRIES OF FARMINGTON, INC." to be served by first class United States mail, postage pre-paid, on this 24th day of May, 1999, on the following:

**Mr. Victor A. Michael  
President  
Mountain West Broadcasting  
6807 Foxglove Drive  
Cheyenne, WY 82009**



Jeffrey D. Southmayd

## **Counterproposal to**

### **Doc 99-103**

**Teec Nos Pos, Arizona**

**237 C1 – 95.3 mHz**

**May 1999**

This Technical Exhibit is prepared on behalf of Voice Ministries of Farmington, Inc. (hereafter referred to as "Voice"). Voice wishes to request that Channel 237 C1 (95.3 mHz) be assigned to Teec Nos Pos, Arizona. Although this is mutually exclusive with Docket 99-103 to assign Channel 237 A to Bayfield, Colorado, an alternate Class A channel has been identified for Bayfield.

The requested Teec Nos Pos reference of 36° 27' 39" North Latitude and 109° 05' 44" West Longitude clear all allocation constraints. Exhibit #1 is that Allocation Study. The reference is a mountain near Teec Nos Pos and is already an electronic site for an FM translator. Exhibit #2 indicates the class maximum 70 dBu contour covers 100% of Teec Nos Pos from the reference site. All coverage maps in this exhibit are drawn utilizing 36 terrain radials.

Channel 237 C1 has a wide area where a transmitter could be located. The central coordinate of Teec Nos Pos also clears allocation constraints as is demonstrated in Exhibit #3. City grade coverage from this location is quite easy since the site is within Teec Nos Pos.

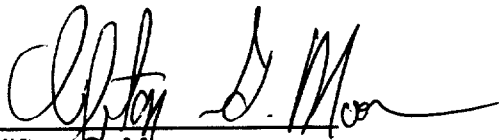
Because this instant proposal for Channel 237 C1 at Teec Nos Pos, Arizona is mutually exclusive with Docket 99-103 which requests Channel 237 A be allocated at Bayfield, Colorado, an alternate Bayfield channel was located. Channel 223 A may be allocated at Bayfield at the geographic coordinates of North Latitude 37° 07' 29" and West Longitude 107° 34' 10". Exhibit #4 is the Bayfield, Co allocation study for Channel 223 A. Exhibit #5 indicates that from the new Bayfield, Co allocation site, the requisite 70 dBu continues to serve 100% of Bayfield, Co, the city of license.

Teec Nos Pos is a Census Designated Place with a population of 317 persons. This is the first broadcast service allocated to Teec Nos Pos.

If allocated, Voice will timely file FCC Form 301 to construct the new Teec Nos Pos Class C1 FM station on Channel 237.

The Class C1 facility will serve 40,827 persons in the states of Arizona, New Mexico, Utah and Colorado as well as provide a 60 dBu area of 14,448.6 square kilometers.

Should any questions arise, Bromo Communications, Inc. is available for discussion at (404) 266-2257. All information contained herein is thought to be true and accurate to the knowledge of the undersigned.

A handwritten signature in black ink, appearing to read 'Clifton G. Mbor', written over a horizontal line.

Clifton G. Mbor  
Bromo communications, Inc.

May 23, 1999

**BROMO COMMUNICATIONS INC.**  
Broadcast Technical Consultants

Searching at Teec Nos Pos  
Allocation Reference

REFERENCE  
36 27 39 N  
109 05 44 W

CLASS = C1  
Current Spacings

DISPLAY DATES  
DATA 05-15-99  
SEARCH 05-23-99

----- Channel 237 - 95.3 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
AD237	AD 237A	Bayfield	CO	158.29	57.0	200.0	-41.71
37 13 32	107 35 51		0.000 kW	0 M			
		Mountain West Broadcasting		RM9506	990427		
KWYKFM	LI 235C1	Aztec	NM	82.54	71.0	82.0	0.54
36 41 54	108 13 18	CN	100.000 kW	132 M			
		Basin Broadcasting Company		BLH891024KF	970327		
KPCL	LI 239C1	Farmington	NM	82.60	71.3	82.0	0.60
36 41 44	108 13 11	CN	100.000 kW	120 M			
		Voice Ministries of Farmington		BLH890117KC	970204		
DE236	DE 236C	Winslow	AZ	215.40	222.6	209.0	6.40
35 01 30	110 41 54		0.000 kW	0 M			
		Desert West Air Ranchers Corp		RM	990421		
		Change in Community to Camp Verde, AZ					
AD236	AD 236C	Camp Verde	AZ	274.00	233.4	209.0	65.00
34 58 05	111 30 28		0.000 kW	0 M			
		Desert West Air Ranchers Corp		RM	990421		
		Change in Community from Winslow, AZ					
KFMR.C	CPM 236C	Winslow	AZ	274.00	233.4	209.0	65.00
34 58 05	111 30 28	CN	100.000 kW	445 M			
		Desert West Air Ranchers Corp		BMPH960731IB	990210		
KFMR.A	AP 236C	Winslow	AZ	274.06	233.4	209.0	65.06
34 58 04	111 30 30	CN	100.000 kW	445 M			
		Desert West Air Ranchers Corp		BMPH990305IB	990325		
KMMG	LI 238C1	Santa Fe	NM	243.27	107.4	177.0	66.27
35 46 49	106 31 37	CN	19.000 kW	546 M			
		AGM - Nevada, L.L.C.		BLH970828KD	980406		
KKNN	LI 236C	Delta	CO	279.03	15.6	209.0	70.03
38 52 40	108 13 30	CN	100.000 kW	434 M			
		Mustang Broadcasting Company		BMLH870227PC	961218		
		Waiver Request Granted to Determine HAAT using 7 Radials					

### Allocation Study

This study was conducted from the proposed Allocation Reference, an electronic site on a mountain, ideal for wide area coverage.

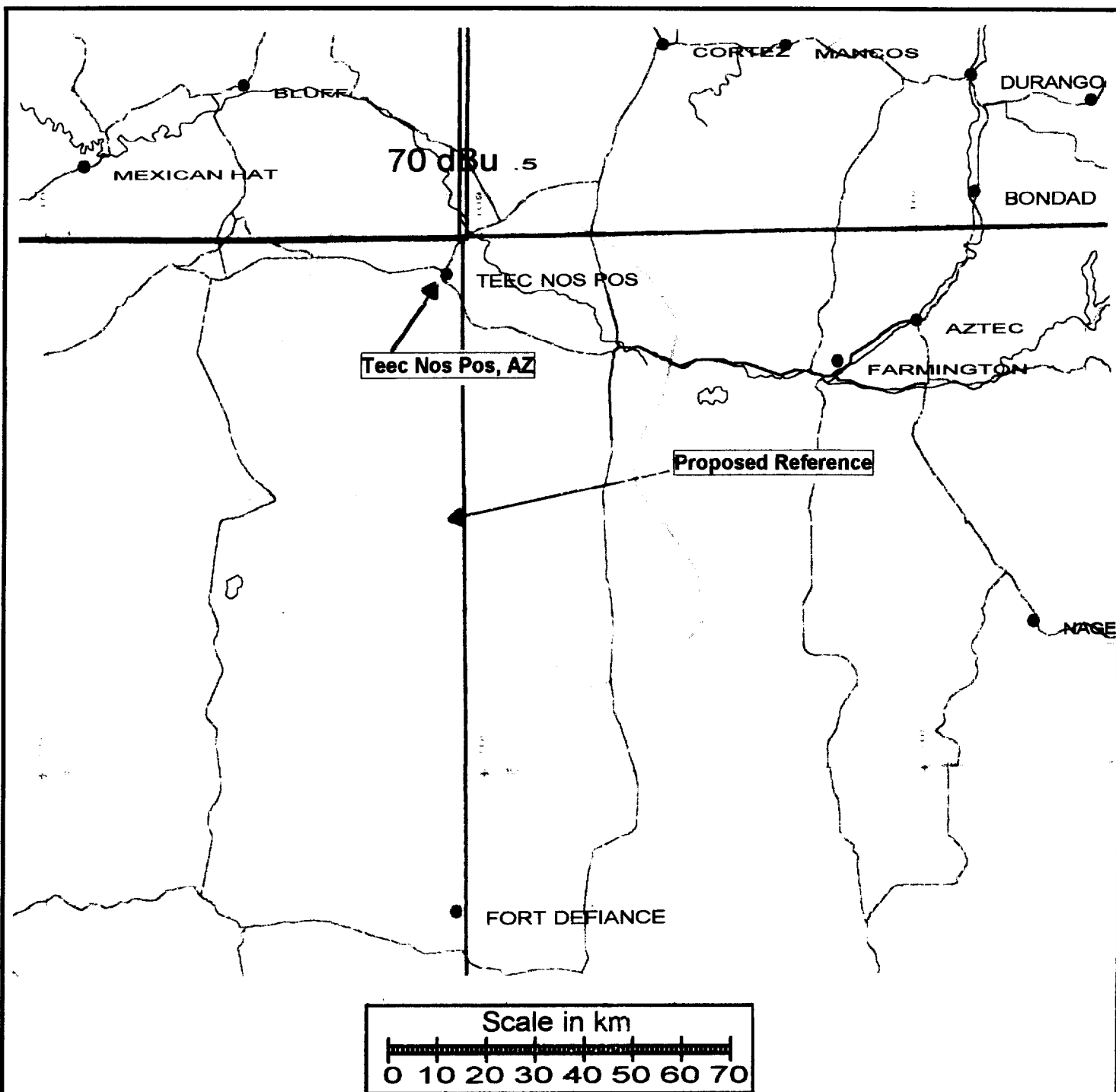
### Exhibit #1 Counterproposal to Doc 99-103

**Teec Nos Pos, Arizona**  
**237 C1 - 95.3 MHz**

May 1999

**BROMO** BROADCAST  
TECHNICAL CONSULTANTS  
**COMMUNICATIONS**





### Proposed 70 dBu

70 dBu from requested allocation site. 100% of Teec Nos Pos, Arizona is served by the 70 dBu contour.

Allocation Reference:

36° 27' 39" North Latitude  
109° 05' 44" West Longitude

Map is InterDLG from V-Soft Communications

### Exhibit #2 Counterproposal to Doc 99-103

Teec Nos Pos, Arizona  
237 C1 - 95.3 mHz

May 1999

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**BROMO COMMUNICATIONS INC.**  
Broadcast Technical Consultants

Searching at Teec Nos Pos  
City Coordinates

REFERENCE  
36 54 32 N  
109 06 05 W

CLASS = C1  
Current Spacings

DISPLAY DATES  
DATA 05-15-99  
SEARCH 05-23-99

----- Channel 237 - 95.3 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
AD237	AD 237A	Bayfield	CO	138.29	74.8	200.0	-61.71
37 13 32	107 35 51		0.000 kW		0 M		
		Mountain West Broadcasting		RM9506	990427		
KWYKFM	LI 235C1	Aztec	NM	81.91	106.4	82.0	-0.09
36 41 54	108 13 18	CN	100.000 kW		132 M		
		Basin Broadcasting Company		BLH891024KF	970327		
KPCL	LI 239C1	Farmington	NM	82.17	106.5	82.0	0.17
36 41 44	108 13 11	CN	100.000 kW		120 M		
		Voice Ministries of Farmingto		BLH890117KC	970204		
KKNN	LI 236C	Delta	CO	231.73	19.1	209.0	22.73
38 52 40	108 13 30	CN	100.000 kW		434 M		
		Mustang Broadcasting Company		BMLH870227PC	961218		
		Waiver Request Granted to Determine HAAT using 7 Radials					
DE236	DE 236C	Winslow	AZ	253.86	214.9	209.0	44.86
35 01 30	110 41 54		0.000 kW		0 M		
		Desert West Air Ranchers Corp		RM	990421		
		Change in Community to Camp Verde, AZ					
KSLVFM	LI 237A	Monte Vista	CO	272.97	72.7	200.0	72.97
37 36 10	106 08 58	CN	6.000 kW		27 M		
		San Luis Valley Broadcasting,		BMLH950526KD	950814		
AD291	AD 291C1	Monticello	UT	108.93	348.8	34.0	74.93
37 52 17	109 20 32		0.000 kW		0 M		
		Mountain West Broadcasting		RM9541	990504		

**Allocation Study from Teec Nos Pos**

This allocation study was conducted from the center of Teec Nos Pos, Arizona. Although tower construction here is unlikely, it is theoretically possible. 237 C1 has a wide area where it can be used to serve Teec Nos Pos, Arizona.

**Exhibit #3**  
**Counterproposal to**  
**Doc 99-103**  
**Teec Nos Pos, Arizona**  
**237 C1 - 95.3 MHz**  
May 1999

**BROMO**  
**COMMUNICATIONS**

BROADCAST  
TECHNICAL CONSULTANTS

**BROMO COMMUNICATIONS INC.**  
Broadcast Technical Consultants

Searching for Bayfield CO  
Searching at Allocation Coordinates

REFERENCE  
37 07 29 N  
107 34 10 W

CLASS = A  
Current Spacings

DISPLAY DATES  
DATA 05-15-99  
SEARCH 05-23-99

----- Channel 223 - 92.5 MHz -----									
Call	Channel		Location		Dist	Azi	FCC	Margin	
N. Lat.	W. Lng.			Power		HAAT			
KDUR	LI	220A	Durango	CO	31.22	302.5	31.0	0.22	
37 16 31	107 52 00		CN	0.205 kW		-137 M			
Fort Lewis College					BLED810223AL	960904			
KRWN	LI	225C1	Farmington	NM	75.22	230.8	75.0	0.22	
36 41 45	108 13 23		CY	63.000 kW		120 M			
KRWN/KENN, LLC					BLH890113KG	970618			
AD221	AD	221A	Chama	NM	91.75	105.3	31.0	60.75	
36 54 11	106 34 35			0.000 kW		0 M			
Alpine B/Cing Limited Partner					RM9536	990428			
KRST	LI	222C	Albuquerque	NM	234.58	154.4	165.0	69.58	
35 12 55	106 27 02		CN	22.000 kW		1268 M			
Citadel License, Inc.					BMLH900424KH	970703			
Grandfathered at 22.0kw ERP & 1268m HAAT									
KJYE	LI	222C	Grand Junction	CO	238.92	334.9	165.0	73.92	
39 04 00	108 44 41		CN	100.000 kW		420 M			
M B C Grand Broadcasting, Inc					BLH891219KD	970407			

### Bayfield Allocation Study

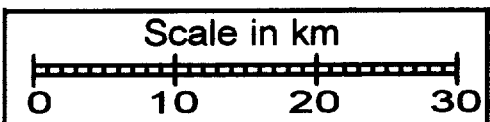
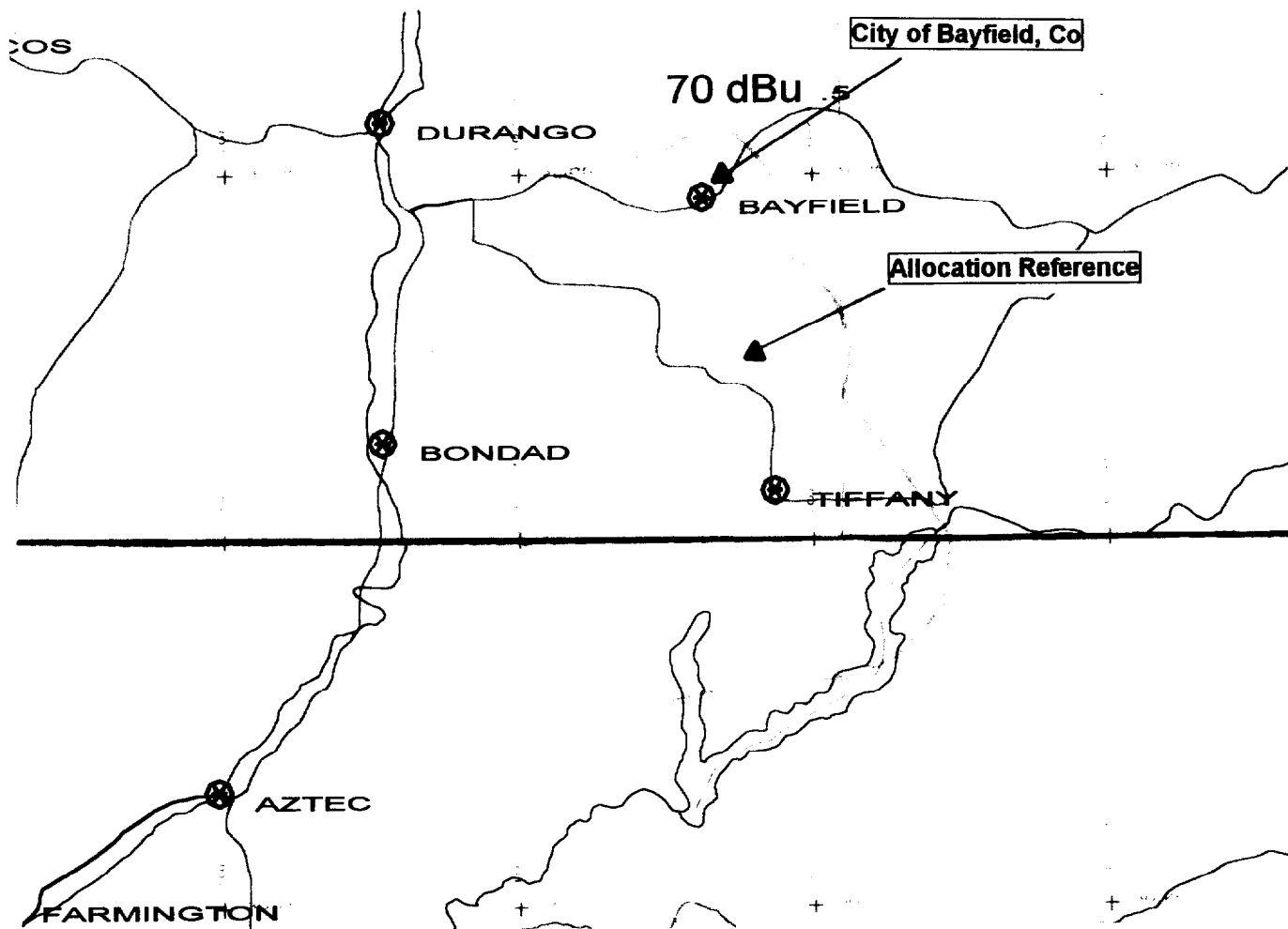
This study was conducted from the proposed Bayfield Allocation Reference.

### Exhibit #4 Counterproposal to Doc 99-103

**Teec Nos Pos, Arizona**  
**237 C1 - 95.3 MHz**

May 1999

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TECHNICAL CONSULTANTS  
**COMMUNICATIONS**



### Proposed Bayfield 70 dBu

70 dBu from requested allocation site. 100% of Bayfield, Colorado is served by the 70 dBu contour.

Allocation Reference:

37° 07' 29" North Latitude  
107° 34' 10" West Longitude

Map is InterDLG from V-Soft Communications

**Exhibit #5**  
**Counterproposal to**  
**Doc 99-103**  
**Teec Nos Pos, Arizona**  
**237 C1 - 95.3 mHz**  
May 1999

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**COMMUNICATIONS**